

MICHIGAN CIVIL RIGHTS COMMISSION

N E W S L E T T E R

Commissioner Strives to be a Voice of Reason

Dr. Yahya Mossa Basha, a member of the Michigan Civil Rights Commission since April 1999, has never seen his success in medicine, business and real estate and his close ties with the nation's leading politicians as an opportunity to aggrandize his position.

Instead, Basha, who is the chair of the board of the 25,000-member American Muslim Council, sees his lofty position in society as an opportunity to advance the interests of his fellow Muslims.

So when the word went forth last fall that the U.S. Justice Department planned to have law enforcement agents interrogate thousands of men of Middle Eastern descent in connection with the events of Sept. 11, Dr. Basha jumped into action.

He approached U.S. Attorney General John Ashcroft and asked to sit in on some of the interviews in the metro Detroit area. Permission was granted and Basha, with several MDCR colleagues in tow, arrived at the office of a lawyer representing one of the Middle Eastern men to watch the interview.

Even before Sept. 11, Dr. Basha had been a tireless advocate for Muslim causes. He'd used his connections as a platform to educate people about this, the world's second largest religion. Indeed, on that fateful day he was in Washington waiting to meet with his friend President George W. Bush. They'd planned to discuss the concerns of American Muslims and Americans of Middle Eastern descent as well as civil liberties.



Yahya Mossa Basha

Of course the meeting never took place, but Basha and his entourage were invited to join the President at the memorial service held at the National Cathedral several days later. In a subsequent meeting, he urged the President to stress the fact that the United States was not at war with ethnic and religious minorities, but with terrorists. The President also pledged to wage a separate war against hate crimes and backlash spurred by Sept. 11.

Basha sees much of his work as educating people and promoting dialogue.

"We've been doing continuous education," he said. "We're distributing leaflets and articles. Those people who did that horrible thing to the country are not representative of Arab-Americans or Muslims."

Continued on page 3

Anti-Terrorism Legislation Looms Large in Michigan Chambers

A package of over 60 bills has been introduced in the Michigan legislature related broadly to the label of anti-terrorism. Since many of the anti-terrorism issues involve questions of federal law exclusively, the Michigan bills are a response to the climate of concern about the events flowing from Sept. 11. There are a number of bills which reinforce legislation found in the federal anti-terrorism package. There are a variety of subjects covered by the bills and the bills are in various stages of the legislative process. The bills are characterized by bipartisan sponsorship and have enjoyed broad support from both parties.

Continued on page 2

IN THIS ISSUE

Letter from the Commission Chair.....	2
Advocates of the Disabled Troubled by High Court's Ruling	3
We Are Changing Addresses in Detroit.....	3
Commission & Department News.....	4
Arts & Entertainment.....	5
Faces & Places	6
MDCR Activity Report.....	7
Director's Corner	7
Commission Meeting Dates.....	8



Letter from the Commission Chair

A Pledge to Keep Moving Forward

It's been a dramatic period for those of us who work in the civil rights arena.

Last year, just as we were making some progress on issues relating to racial profiling by retailers and law enforcement agencies, affirmative action was dealt a major blow by the federal courts, among others.

Then came the fall of 2001. Americans watched on television as commercial jets slammed into the World Trade Center and the Pentagon. For the dastardly acts of a few misguided men, many Muslims, Sikhs, Americans of Middle Eastern ancestry and others who looked like they were of Middle Eastern extraction have suffered verbal and physical abuse and various forms of ostracization at the hands of bigots.

Through all these events, colleagues at the Michigan Department of Civil Rights

continue to do thorough investigations of discrimination complaints in all protected areas.

It's been a lot of hard work, but it hasn't deterred us. On the contrary, it's invigorated us. Most of us at the Michigan Civil Rights Commission and the Michigan Department of Civil Rights firmly believe that what we do is more than just a responsibility or an obligation. We see it as a calling. That's why we are just as determined to keep on doing the kinds of things that we've been charged to do since our creation by the Michigan Constitution 39 years ago: enforce the laws prohibiting illegal discrimination.

Our customers – the people of this state – remain our first priority. We will remain focused on our priority even as the softening economy forces us to lose some of our colleagues to attrition and early retirement offers.



*Commission Chair
Francisco J. Villarruel, J.D.*

We are encouraged by the fact that in the last six months some Michigan organizations and employers have requested MDCR technical assistance about the benefits of diversity and the negative impact of discriminatory practices on their employees. We pledge to keep moving forward.

Anti-Terrorism Legislation Looms Large in Michigan Chambers (continued from pg.1)

Several bills are simply amendments to current state laws. Coverage of airports and authorization to screen identification of individuals are examples of legislation which may have both state and federal application. Federal bills which expanded wiretap authority have not previously had state counterparts, since there has not previously been any such authority under Michigan law. A law that would provide state wiretap authority for the first time is still under consideration in the House. It was also a part of the anti-terrorism package. The focus of legislative discussion was on the application of the bill to drug "kingpins", not anti-terrorism. The bill has passed the Senate and will soon be considered by the House.

Several areas of controversy have emerged. Several bills add the crimes of terrorism to the Michigan penal code. The definition of "terrorism" has raised concerns, particularly from the American Civil Liberties Union, which fears the intrusion of government into activities protected by the First Amendment. While the ACLU raised similar concerns about the federal anti-terrorism incursion on protected speech, the definition of foreign intelligence, which was so problematic at the Congressional level, has no comparable application in the legislation.

There are other bills that may be of interest to civil rights observers. A bill which would have authorized the

Secretary of State to withhold drivers' licenses from individuals unless they can provide proof of citizenship or lawful status died in the Senate committee. However, it is being considered in the House. It had been opposed by groups concerned about individuals who obtain licenses to avoid liability for driving on the public highways. Some believe that driving without a license might prove to be a bigger state problem than the terrorist threats.

The Sept. 11 events have triggered a strong sense of need to limit the terrorism potential. Michigan lawmakers have sought to address this widely perceived need.

Advocates of the Disabled Troubled by High Court's Ruling

Part of Ella Williams' assembly line job at Toyota required her to wipe down cars at the rate of about one per minute. When this task caused her to suffer from carpal tunnel syndrome and other related impairments, she asked Toyota to accommodate her disability under the Americans With Disabilities Act (A.D.A.). Williams believed she was protected by the A.D.A. because she was substantially impaired in her ability to perform manual tasks. The ensuing litigation over her accommodation request ultimately led Williams and Toyota to the U.S. Supreme Court, which recently decided that Williams was not entitled to any accommodation because she did not meet the A.D.A.'s definition of "disabled."

In writing the Court's opinion, Justice O'Connor explained that Williams' inability to perform some of her job duties did not amount to a "substantial impairment of a major life activity." She then declared the legal standard for individuals who, like Williams, claim to be substantially impaired in the major life activity of performing manual tasks: they must show that they are severely restricted "from doing activities that are of

central importance to most people's daily lives." Although Williams' work-related impairments prevented her from doing certain job duties, she was still able to perform personal hygiene tasks, do laundry, and fix breakfast. Therefore, concluded the Court, she was not "disabled" under the Americans With Disabilities Act.

Disability rights advocates were dismayed to see the Court, once again, narrowly construe the term "disabled" to the detriment of workers across the country. Over the past several years, the Supreme Court has, without exception, favored employers over employees in its A.D.A. cases. In its Sutton decision in 1999, the Court declared that a person is not disabled if mitigating measures (like eyeglasses or medication) alleviate the adverse effects of that person's disability. In its *Albertson's* decision, released simultaneously with Sutton, the Court held that an individual's own ability to compensate for their disability must be taken into account and may actually prevent that individual from being considered "disabled." And in the *Garrett* decision last year, the Court found that state employees could not collect money damages against their state

employers who violated the A.D.A. Not only were disability advocates dismayed at the outcome of the Williams' case, but they expressed surprise that the Court's decision was unanimous, unlike decisions in other A.D.A. cases where several justices dissented from the majority's effort to limit the A.D.A.

After this decision, some commentators questioned the need for Congress to revisit the A.D.A. and clarify its intent. No doubt those discussions will continue. For now, employees will continue to struggle to find protection under the A.D.A.'s increasingly narrow definition of "disability." Although state laws like Michigan's Persons With Disabilities Civil Rights Act are not directly or immediately affected by this case, state court judges who interpret state disability laws frequently turn to A.D.A. cases for guidance. No doubt these same judges will be reconsidering the definition of "disability" used in their state law cases. So on both the state and federal level, questions about what a person with a disability can and can't do will no doubt remain the key to whether that person is protected by disability laws.

We Are Changing Addresses in Detroit

After nearly 30 years at Sixth and Howard in downtown Detroit, MDCR's Detroit staff will move to a new office on April 26th. The new MDCR office will be located on the third floor of the former General Motors headquarters, which is now known as Cadillac Place. Cadillac Place, which is in midtown Detroit, is on the southwest corner of West Grand Boulevard and Cass Avenue and is just west of Woodward Avenue.

When it was completed in 1925, this building was reputed to be the largest office building in the world. Although now dwarfed in size by many other office buildings in the area, the 15-story structure retains much of its architectural grandeur on the exterior and in the refurbished lobby. Approximately 2,200 employees from 18 state agencies will be housed at Cadillac Place. We look forward to continuing our service to the public.

"Commissioner Strives to be a Voice of Reason" (continued from pg.1)

In addition to the American Muslim Council, Basha also serves on the board of governors of Arab-American Institute, a nonreligious group that looks at Arab and political issues. He has served on the board of a Detroit mosque. In recent months, he has worked closely with other civil rights organizations in trying to stem the tide of ethnic prejudice and hatred against Muslims and Americans of Middle Eastern heritage.

Commission & Department News

Two Commissioners Reappointed to MCRC

Governor John Engler recently re-appointed Commissioners Tarun K. Sharma and Albert Calille to new full terms on the Michigan Civil Rights Commission.



Tarun K. Sharma

Sharma, a gastroenterologist who resides in Grosse Pointe, was first appointed to the Commission in July 2001. A native of India, Sharma has lived in the



Albert Calille

United States since 1988. Albert Calille, a lawyer with SBC Ameritech, has served on the Commission since January 1998. A resident of Plymouth, Calille was recently selected by

Michigan Lawyers Weekly as one of the ten lawyers for 2001. He also serves as a mediator for the Wayne County Circuit Court.

MDCR Teams Up with Department of Community Health

MDCR has established a team that will collaborate with the Michigan Department of Community Health's Office of Recipient Rights (ORR) to develop a series of training sessions for MDCR and ORR staff. ORR will share its expertise on mental health issues with MDCR colleagues, who frequently are faced with customers who have concerns related to mental health issues. Likewise, MDCR will share its expertise on civil

rights and investigative techniques with ORR rights representatives who must deal with civil rights issues in the state's mental health system.

MDCR Diversity Training at MotorCity Casino to Spread Beyond Michigan

MotorCity Casino officials plan to implement the diversity training methods being taught by MDCR colleagues at their Detroit location at their properties in Las Vegas, in Tunica, MS, and Elgin, IL. Last month, human resource directors from casinos at those out-of-state locations participated in the regular Wednesday diversity training and then met with MDCR colleagues the following day to learn more about how it can be replicated successfully at their casinos and throughout the corporation. Since last fall, MDCR colleagues have been providing diversity training for MotorCity Casino's Detroit employees.

Commission's 40th Anniversary is Upon Us

Seems like only yesterday when we celebrated the 30th anniversary, but the 40th birthday of the Michigan Civil Rights Commission is only months away. The Commission turns 40 next year and we plan to celebrate in a memorable way. What aspects of the Commission's history should be celebrated? We'd like to hear your thoughts. Contact Lekan Oguntinyinbo at: 110 W. Michigan, Ave., Suite 800, Lansing, MI 48913, or e-mail him at oguntinyinbol@michigan.gov.

Ohio And Iowa Colleagues Check Out MDCR

Several staffers from the Iowa Department of Civil Rights recently had a two-hour

conference call with colleagues from the Michigan Department of Civil Rights in order to learn about some of the innovations going on at MDCR. The Iowa colleagues had been unable to accompany colleagues from five other states who visited the department last year. Iowa has not been the only state that has been checking us out lately. A few weeks ago, the director of the Ohio Civil Rights Commission informed us that he is piloting MDCR's team concept in his agency's Cincinnati office.

Commissioner Valerie Simmons Receives Dual Honors

Commissioner Valerie Simmons recently received the 2002 Distinguished Community Trustee award from Leadership Grand Rapids as well as the Floyd Skinner Justice Award.



Valerie Simmons

The Leadership Grand Rapids award is presented to an individual or organization who has made a mark in the area of service and commitment to the community, among others. Simmons, the first black female partner in the Grand Rapids law firm of Warner, Norcross & Judd, has been active in several education and law-related causes.

Simmons received the Floyd Skinner Justice Award for the work she has done in encouraging minority attorneys to come to the Grand Rapids area. A member of the Michigan Civil Rights Commission since 1998, she has also served on numerous boards and has represented those who can't afford to pay for legal services.

Arts & Entertainment

Books



Yellow: Race In America Beyond Black and White

By Frank H. Wu

Wu, an associate professor at Howard University's law school, sets out to debunk the myth of Asian-Americans as the "model minority" and to explain why such a label could sometimes be damaging. The book looks at the history of Asians in America, their place in society today and their future in an increasingly multi-cultural America. He talks about affirmative action, civil rights and hate crimes. He asserts that the lifestyle of Asian-Americans makes them susceptible to the whims of bigots. He also charges that Asian-Americans suspected of crimes are more likely to be thoroughly investigated. He cites the Wen Ho Lee case as an example. Critics have hailed this book as one that belongs in every academic library.

Don't Let Us Go to the Dogs Tonight: An African Childhood

By Alexandra Fuller



A memoir about growing up white in the former Rhodesia (now Zimbabwe). The book explores the waning days of white minority rule in one of Africa's last bastions of white supremacy in the 1970s. It is a story told through the eyes of Fuller, then a child whose family moved to Rhodesia from England in the early 1970s, their racist attitudes and the difficulty they had in adjusting to black rule in a predominantly black nation.



Down And Out, on the Road: The Homeless in America

By Kenneth Kusmer

Drawing on a comprehensive trove of statistics, literary works and primary sources, Kusmer demonstrates that the problem of homelessness did not begin with the box cars of the 1920s and the Great Depression of the 1930s. Rather, he says, homelessness is a problem as old as Colonial America itself. Read this book if you want a refreshing perspective on the history of poverty and homelessness in the land of the best fed people in the world.

The Envy of the World

By Ellis Cose

Cose, the distinguished journalist and commentator on race matters, lays out a manifesto for black men in America. He celebrates black men like Secretary of State Colin Powell and Harvard University Professor Cornel West who have done extraordinary things. But he also laments the expanding black underclass, the high incarceration rates of black men and the rising suicide rates among black male teen-agers. He outlines what it would take for black men to make it in this society. This book has already garnered as much attention as "The Rage of the Privileged Class," another classic by Cose.



Japan: A Modern History

By James L. McClain

The New York Times says this book will likely become

the standard for a generation of students of Japanese history. Although McClain focuses on Japan's history in recent centuries, it gives a broad overview of Japan in the last 1,000 years. This is a great reference tool for scholars and others looking to understand a nation with the world's second largest economy.

Art



Over the Line: The Art and Life of Jacob Lawrence

At the Detroit Institute of Art - Feb. 24 to May 19

More than 100 works by one of America's greatest artists of the 20th Century. Lawrence, who died in 2000, spent much of his 60-plus years as an artist celebrating and chronicling the African experience in America. Students of history, literature and art will delight in some of his most celebrated works, including the expository works on the abolitionist John Brown and the migration of African-Americans from the south to the industrial north in the early 1900's.

Women Who Ruled: Queens, Goddesses, Amazons 1500-1650

University of Michigan Museum of Art (Through May 5)



Nearly 100 portraits of some of the great women rulers from that era, including Catherine de Medici of France, Cristina of Sweden and Elizabeth 1, under whose reign Britain went from being a country with an empty treasury to a wealthy super power.

Faces & Places

A Mini Summit on Profiling

At its regular meeting last December, the Michigan Civil Rights Commission convened a public hearing on the issue of racial profiling in the wake of the tragedy of Sept. 11. Representatives from the FBI, the Michigan State Police, the American Civil Liberties Union (ACLU), the National Conference of Community and Justice (NCCJ), and the United State Department of Immigration and Naturalization Services spoke. Although the Commission took no action, the hearing was an opportunity for its members, as well as the general public, to ask questions and to learn more about this matter.



Left to right: John Bell, FBI; Tim Yungfer, State Police; Lekan Oguntinyinbo, MDCR; Daedra McGhee, NCCJ; Kary Moss, ACLU; and Mary Muhammad, Detroit Metro Airport

MDCR Public Information Director Lekan Oguntinyinbo welcomes panelists and the audience



Commissioner Basha offers his perspective



Heaster Wheeler, director of the Detroit Branch NAACP addresses the panel



A cross-section of members of the public

MDCR Director Dr. Nan Reynolds clarifies a point



A member of the Sikh community asks a question



Commissioner Evelyn Crane makes a comment

MDCR Activity Report

	October 1, 2001 - January 31, 2002				
Early Resolutions Completed	1412	Successful	818 (58%)		
		Not Successful	594 (42%)		
Monetary Rewards as a Result of Early Resolution	\$114,297				
Complaints Taken	718				
Complaints Closed	645	EEOC	485	HUD	24
Monetary Awards on Formal Complaints	\$848,647	Annualized		\$557,243	
		Cash		\$291,404	
Referral	598				
Information	1457				

The Civil Rights Commission Newsletter is published quarterly by the Michigan Department of Civil Rights, 110 W. Michigan Ave., Capitol Tower Bldg. — Suite 800, Lansing, Michigan 48913. Dr. Nanette Lee Reynolds, Director; Lekan Oguntoyinbo, Editor, (517) 373-0951. Residents with TDD units may call (313) 961-1552.

This newsletter is printed under authority of P.A. 453 and P.A. 220 of 1976, as amended. Number of copies printed: 7,000; Total cost: \$1,869.10; Cost per copy: \$0.267.

Major Settlements

In this reporting period there were 38 contacts with monetary awards greater than \$10,000.

Included among these were the following:

- Black woman reinstated at a community college at a salary of \$30,000 per year.
- Black man offered a full-time teaching position at a public school for \$38,000 per year.
- Disabled person granted an accommodation and reinstated at a salary of \$34,200 per year.
- 11 blacks awarded \$1000 each from a retailer and security company at a Lansing mall in a complaint of alleged profiling.
- Disabled person rehired at \$24,000 per year.
- Cuban woman rehired and granted transfer at a salary of \$15,034 per year.
- Hispanic man reinstated at a salary of \$31,512 per year.
- 60-year-old man entered into a \$125,000 settlement agreement over age discrimination.

Director's Corner

MDCR Director Nan Reynolds received an award in the Civic Affairs in Government category at the 6th annual Women's Leadership Conference on April 18 at the Burton Manor in Livonia. She will be one of 12 women honored in six different categories.



Nanette Lee Reynolds

Dr. William Anderson, director of the Michigan Department of History, Arts and Libraries, invited Director Reynolds to serve on the Michigan Week 2002 Executive Committee. Michigan Week, which takes place from May 18-27, celebrates Michigan and recognizes various people, places and achievements. The theme this year is "Celebrating Michigan's Diversity."

Director Reynolds was a speaker at the following events:

A gathering of Focus: Hope employees on Rev. Dr. Martin Luther King Jr Day on January 21. More than 600 employees from the civil rights organization attended the event, which was held at a theater at the Henry Ford Museum and Greenfield Village.

A seminar on diversity at Alma College attended by nearly 200 students, staff and faculty members in January.

Further had remarks delivered on her behalf at the recent *Native American Critical Issues Conference* in Traverse City. MDCR was complimented at the conference for its dedication to Indian issues, and its ability to coordinate resources to strengthen the infrastructure of Indian centers. Director Reynolds was scheduled to open the conference with an update on the "Off-reservation Agenda" and MDCR's program initiatives but inclement weather prevented her travel. Donna Budnik, the department's American Indian specialist, delivered the comments on her behalf.

**MICHIGAN DEPARTMENT OF CIVIL RIGHTS
CUSTOMER SERVICE OPTIONS**

INFORMATION

OUTREACH AND EDUCATION

◆ TRAINING ◆ SPEAKERS ◆ CRISIS INTERVENTION

REFERRAL

COMPLAINT RESOLUTION

1-800-482-3604
WWW.MICHIGAN.GOV/MDCR

**MICHIGAN CIVIL
RIGHTS COMMISSION**

CHAIR

FRANCISCO J. VILLARRUEL, J.D.
PLYMOUTH TOWNSHIP

VICE CHAIR

GARY TORGOW, J.D.
OAK PARK

SECRETARY

ALBERT CALILLE, J.D.
PLYMOUTH

TREASURER

VALERIE P. SIMMONS, J.D.
GRAND RAPIDS

DR. YAHYA MOSSA BASHA
WEST BLOOMFIELD

BISHOP GEORGE E. BROWN
DETROIT

EVELYN L. CRANE, Ed.D.
DETROIT

TARUN K. SHARMA, M.D.
GROSSE POINTE

COMMISSION MEETING DATES

MONDAY, MAY 20, 10 A.M.	DETROIT
MONDAY, JULY 22, 10 A.M.	GRAND RAPIDS
MONDAY, SEPTEMBER 23, 10 A.M.	DETROIT
MONDAY, NOVEMBER 18, 10 A.M.	LANSING
MONDAY, DECEMBER 16, 10 A.M.	DETROIT

PRSR STD
U.S. POSTAGE
PAID
LANSING, MICH.
PERMIT NO. 1200

STATE OF MICHIGAN
**MICHIGAN DEPARTMENT
OF CIVIL RIGHTS**
110 WEST MICHIGAN, SUITE 800
LANSING, MICHIGAN 48913